

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ACCESS 4 ALL, INC., and PETER SPALLUTO,

Plaintiffs,

v.

BRE/SWISS, LLC,

Defendant.

Civil Action
No. 04-12154-MLW

JOINT MOTION TO EXTEND SCHEDULING CONFERENCE

Pursuant to Federal Rule of Civil Procedure 7(b), defendant BRE/Swiss LLC, and plaintiffs Access 4 All, Inc. and Peter Spalluto, move to reschedule the Scheduling Conference as deemed appropriate by the Court based upon the following facts:

1. On January 26, 2005, plaintiffs, with the assent of defendant, will conduct a Rule 35(b) inspection of defendant's property, the Hyatt Regency Boston Financial District, in order to view the premises relative to alleged violations of the American with Disabilities Act (ADA) 42 U.S.C. 12181, *et seq.*

2. Plaintiffs' expert, Herbert Neff, will conduct said inspection. At the completion of said inspection, it is expected that Mr. Neff will compile a comprehensive report of his findings and submit said report to the parties by the end of February, 2005.

3. On January 10, 2005, the Court issued a notice of a scheduling conference to be held on February 2, 2005, at 4:00 p.m.

4. When plaintiffs' expert issues the report of his inspection, it will likely narrow the issues for which discovery may be needed and possibly lead to a resolution of the case.

WHEREFORE, the defendant and plaintiffs respectfully request that the Court reschedule the Scheduling Conference for a date following April 1, 2005.

ACCESS 4 ALL, INC. a Florida
Not-for-Profit Corporation, and
PETER SPALLUTO, Individually

By their attorneys,

BRE/SWISS, LLC

By its attorneys,

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Dated: January 18, 2005
Boston, Massachusetts